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RICK D. NYDEGGER/aam

Comments:

Please see attached.

Serial No.:

10/766,503

Docket No.:

7678.811

\*\*\*\*\*  
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AAM0000000951V001

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PATENT APPLICATION

Docket: 7678.811

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Dan E. Fischer

Serial No.:

10/766,503

Filed:

January 28, 2004

Confirmation No.:

3475

For:

DELIVERY SYSTEM FOR BONE GROWTH  
PROMOTING MATERIAL

Examiner:

Unknown

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MAY 01 2006

) Art Unit  
) 1651  
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)CERTIFICATE OF FACSIMILE TRANSMISSIONMail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

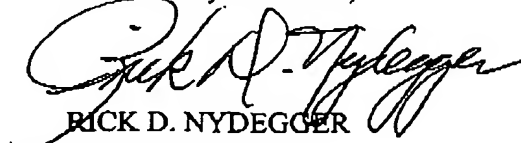
Sir:

I hereby certify that this paper is being transmitted via facsimile at facsimile number (801) 328-1707 to the Patent and Trademark Office to phone no. (571) 273-8300 (Formal Fax No.) on the date shown below:

- Transmittal Letter (1 page)
- Supplemental Information Disclosure Statement (2 pages)
- PTO Form-1449 Citing Ten (10) References (3 pages)

Dated this 1 of May, 2006.

Respectfully submitted,

RICK D. NYDEGGER  
Attorney for Applicant  
Registration No. 28,651  
Customer No. 022913

AAM0000000950V001

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PATENT APPLICATION  
Docket No.: 7678.811

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## TRANSMITTAL FOR INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing and pursuant to 37 C.F.R. § 1.97 is an Information Disclosure Statement.

Enclosed also are the following designated documents, as required under 37 C.F.R. §§ 1.97 and 1.98:

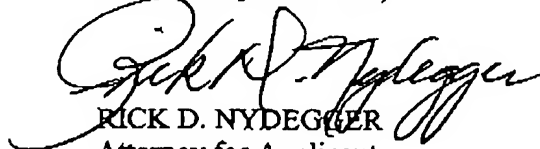
X Form PTO-1449 list of Ten (10) references submitted for consideration.

In order to secure consideration of the items designated above, one or more of the following, if required, is also enclosed:

X Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 1 day of May, 2006.

Respectfully submitted,



RICK D. NYDEGGER  
Attorney for Applicant  
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VERNON R. RICE §  
OF COUNSEL

RDN:aam  
AAM0000000948V001

\* Admitted only in California  
§ Admitted only in Virginia

**MAY 01 2006**

FILED VIA FACSIMILE

**PATENT APPLICATION**  
Docket No.: 7678.811

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		)	
	Dan E. Fischer	)	
Serial No.:	10/766,503	)	Art Unit
Filed:	January 28, 2004	)	1651
Confirmation No.:	3475	)	
For:	DELIVERY SYSTEM FOR BONE GROWTH PROMOTING MATERIAL	)	
Examiner:	Unknown	)	

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Sir:**

Please find, pursuant to 37 C.F.R. § 1.98(a)(1), the enclosed Form PTO-1449 which contains a list of all patents, publications, or other items that have come to the attention of one or more of the individuals designated in 37 C.F.R. § 1.56(c). While no representation is made that any of these references may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103, the enclosed list of references is disclosed so as to fully comply with the duty of disclosure set forth in 37 C.F.R. § 1.56.

Moreover, while no representation is made that a specific search of office files or patent office records has been conducted or that no better art exists, the undersigned attorney of record believes that the enclosed art is the closest to the claimed invention (taken in its entirety) of which the undersigned is presently aware, and no art which is closer to the claimed invention (taken in its entirety) has been knowingly withheld.

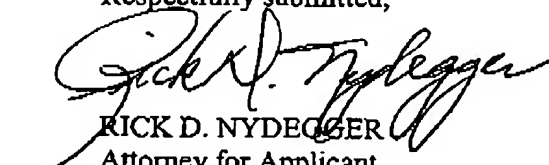
Promptness Certification  
Under 37 C.F.R. § 1.97(c)

I hereby certify that each item of information contained in the accompanying Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this statement.

Please credit any over payment or charge any additional fees to Deposit Account No. 23-3178 of the undersigned.

Dated this 1 day of May, 2006.

Respectfully submitted,



RICK D. NYDEGGER  
Attorney for Applicant  
Registration No. 28,651  
Customer No. 022913

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AAM0000000946V001

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Form PTO-1449

Sheet 1 of 3

Applicant: Dan E. Fischer  
 Serial No.: 10/766,503  
 Filing Date: January 28, 2004  
 Confirmation No.: 3475  
 For: DELIVERY SYSTEM FOR BONE GROWTH PROMOTING  
 MATERIAL

Att'y Docket No.: 7678.811

Group: 1651

**SUPPLEMENTAL INFORMATION DISCLOSURE CITATIONS MADE BY  
 APPLICANT**

**U.S. Patent Documents**

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A1.	4,578,055	03/25/86	Fischer	604	2	04/26/84
_____ A2.	5,098,299	03/24/92	Fischer	433	215	07/11/89
_____ A3.	5,534,562	07/09/96	Jensen et al.	523	118	04/07/95
_____ A4.	5,620,702	04/15/97	Podell et al.	424	448	05/09/95
_____ A5.	5,635,162	06/03/97	Fischer	424	49	02/23/95
_____ A6.	6,287,341	09/11/01	Lee et al.	623	16.11	03/06/98
_____ A7.	6,440,427	08/27/02	Wadstrom	424	400	12/19/97
_____ A8.	6,458,162	10/01/02	Koblish et al.	623	23.51	08/13/99
_____ A9.	6,652,840	11/25/03	Prevendar	424	49	02/08/02

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Form PTO-1449

Sheet 2 of 3

Applicant: Dan E. Fischer  
Serial No.: 10/766,503  
Filing Date: January 28, 2004  
Confirmation No.: 3475  
For: DELIVERY SYSTEM FOR BONE GROWTH PROMOTING  
MATERIAL

Att'y Docket No.: 7678.811  
Group: 1651

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U.S. Application Documents

<u>Examiner Initial*</u>	<u>Patent Number</u>	<u>Issue Date</u>	<u>Name</u>	<u>Class</u>	<u>Sub Class</u>	<u>Filing Date</u>
_____ A10.	2003/0026770	02/06/03	Szymaitis	424	50	07/25/01

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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Form PTO-1449

Sheet 3 of 3

Applicant: Dan E. Fischer  
Serial No.: 10/766,503  
Filing Date: January 28, 2004  
Confirmation No.: 3475

Att'y Docket No.: 7678.811  
Group: 1651

For: DELIVERY SYSTEM FOR BONE GROWTH PROMOTING  
MATERIAL

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**References Cited by Applicants**

While the filing of Information Disclosure Statements is voluntary, the procedure is governed by the guidelines of Section 609 of the Manual of Patent Examining Procedure and 37 C.F.R. §§ 1.97 and 1.98. To be considered a proper Information Disclosure Statement, Form PTO-1449 shall be accompanied by a copy of each listed patent or publication or other item of information and a translation of the pertinent portions of foreign documents (if an existing translation is readily available to the applicant), an explanation of relevance of each reference not in the English language, and should be submitted in a timely manner as set out in MPEP Sec. 609.

Examiners will consider all citations submitted in conformance with 37 C.F.R. § 1.98 and MPEP Sec. 609 and place their initials adjacent the citations in the spaces provided on this form. Examiners will also initial citations not in conformance with the guidelines which may have been considered. A reference may be considered by the Examiner for any reason whether or not the citation is in full conformance with the guidelines. A line will be drawn through a citation if it is not in conformance with the guidelines AND has not been considered. A copy of the submitted form, as reviewed by the Examiner, will be returned to the applicant with the next communication. The original of the form will be entered into the application file.

Each citation initialed by the Examiner will be printed on the issued patent in the same manner as references cited by the Examiner on Form PTO-892.

The reference designations "A1," "A2," etc. (referring to Applicant's reference 1, Applicant's reference 2, etc.) will be used by the Examiner in the same manner as Examiner's reference designations "A," "B," "C," etc. on Office Action Form PTO-1142.

AAM000000947V001

Examiner:

Date Considered:

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.